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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,034	07/24/2003	Melanie Dunn	60655.0900	3352
20322	7590	08/26/2004	EXAMINER	
SNELL & WILMER ONE ARIZONA CENTER 400 EAST VAN BUREN PHOENIX, AZ 850040001			HAMILTON, LALITA M	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/628,034

Applicant(s)

DUNN ET AL.

Examiner

Lalita M Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 08172004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to for the following reasons:

Reference numeral 104 is “parent system” in the specification and “sponsor” in the drawings.

Reference numeral 110 is not in the drawings.

Reference numeral 114 is “financial institution” and “issuing financial institution server” in the specification and “foreign financial institution server” in the drawings.

Reference number 332 is “subsidiary card account” in the specification and “subsidiary account” in the drawings.

Reference numeral 334 is “statements” in the specification and “parent statements” in the drawings.

Reference numeral 336 is “additional statements” in the specification and “subsidiary statement” in the drawings.

Reference numeral 338 is “settling payment” in the specification and “settlement” in the drawings.

Reference numeral 430 is “account administrator” in the specification and “subsidiary uses card account to facilitate transactions of goods, services, or cash” in the drawings.

Reference numeral 440 is “transaction administrator” in the specification and “parent request modification to subsidiary card account credit limit” in the drawings.

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Reference numeral 450 “settler” is not in the drawings and reference numeral 460 “statement generator” is not in the drawings.

Reference numerals 410, 412, 414, 416, 420, 432, 434, 436, 442, and 444 are not in the specification.

Reference numerals 510, 512, 414, 516, 520, 532, 534, 536, 540, 542, and 544 are not in the drawings.

Reference numerals 530, 540, 550 and 560 are not in the specification.

### ***Specification***

The abstract of the disclosure is objected to because the use of “for example” and “such as” is improper, and the use of the legal term “means” is improper.

Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities:

Reference numeral 102 is “customer interface” and “customer interface system”

Reference numeral 112 is “POS device” and “merchant server”.

Reference numeral 116 is “database” and “foreign financial institution system database”.

Reference numeral 130 is “foreign financial institution system”, “foreign financial system”, “issuing financial institution”, and “financial institution system”.

On page 4, paragraph 10, there is no serial number or day included in the provisional application information.

On p.22, paragraph 60, “acquire 126” should be “acquirer 126”

On p.44, paragraph 122, the U.S. serial number is missing.

Appropriate correction is required.

Claim 11 is objected to because of the following informalities: After "capacity" the semicolon should be deleted. After "subsidiary", "account" should be "accounts". After "capacity", the comma should be a semicolon. After "merchant", the comma should be deleted and replaced with ", and". Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-8 and 10-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

35 USC 101 requires that in order to be patentable the invention must be a "new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof" (emphasis added).

Claims 1-8 and 10-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter. Specifically the method claims and system claim as presented do not claim a technological basis in the pre-ambble and the body of the claim. Without a claimed basis, the claim may be interpreted in an alternative as involving no more than a manipulation of an abstract idea and therefore non-statutory under 35 U.S.C. 101. In contrast, a method and system claim that includes in the body of the claim structural / functional interrelationship which can only be computer implemented is considered to have a technological basis [See Ex parte

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Bowman, 61 USPQ2d 1669, 1671 (Bd. Pat. App. & Inter. 2001) - used only for content and reasoning since not precedential.

In order to overcome the 101 rejection above, the following preambles are suggested:

-A computer implemented method for ---, or something similar. Also, in the body of the claim include structural / functional interrelationship which can only be computer implemented.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Fleming (5,953,710).

Fleming discloses a parent/child credit or debit method and corresponding system comprising receiving a request from a parent for a subsidiary account, said parent identifying a parent account, said parent account being a financial account associated with the parent, the parent account having a parent spending power (col.3, lines 5-32); establishing a subsidiary account having a subsidiary spending capacity wherein said subsidiary account is configured to consume at least part of said spending capacity to facilitate payment for a transaction (col.8, lines 14-40); reducing said parent spending power by an amount less than said subsidiary spending capacity and

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establishing at least one spending limit configured to affect said spending capacity (col.3, lines 5-32 and col.8, lines 14-40); spending limit is configured for modifying a spending capacity so as to affect a maximum transaction amount allowed per transaction, for modifying a spending capacity so as to affect a maximum transaction amount allowed per day, for modifying a spending capacity so as to affect a maximum transaction amount allowed during a predetermined time period, for modifying a spending capacity so as to affect a maximum transaction amount allowed at a particular merchant, for modifying a spending capacity so as to affect a maximum transaction amount allowed at a particular chain of merchants, for modifying a spending capacity so as to affect a maximum transaction amount allowed at a particular industry type, or for modifying a spending capacity so as to affect a maximum transaction amount allowed in accordance with a predetermined rate of change over time (col.9, line 48 to col.10, line 48—parent has the capability of limiting whatever transaction they deem necessary to monitor child's spending); request is received via a means for communication selected from the group consisting of telephone, pager, computer, digital communications device, television, personal digital assistant, and facsimile machine (col.9, line 48 to col.10, line 48); monitoring spending activity facilitated by at least one of a parent card account and one or more subsidiary card accounts and modifying at least one of said parent spending power and said subsidiary spending capacity based at least in part on said spending activity (col.9, line 48 to col.10, line 48); and a system for administering a subsidiary account having a subsidiary spending capacity the system comprising an account administrator in communication with a

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transaction administrator, a settler, and a statement generator, the account administrator configured to receive a request from a parent having a parent account and to facilitate the establishment of one or more subsidiary accounts and to establish at least one spending limit configured to affect said spending capacity, the transaction administrator configured to facilitate transactions consuming said subsidiary spending capacity, the settler configured to facilitate providing a settling payment to a merchant, and the statement generator configured to facilitate generating a parent account settlement (col.3, lines 5-32; col.8, lines 14-40; and col.9, line 48 to col.10, line 48).

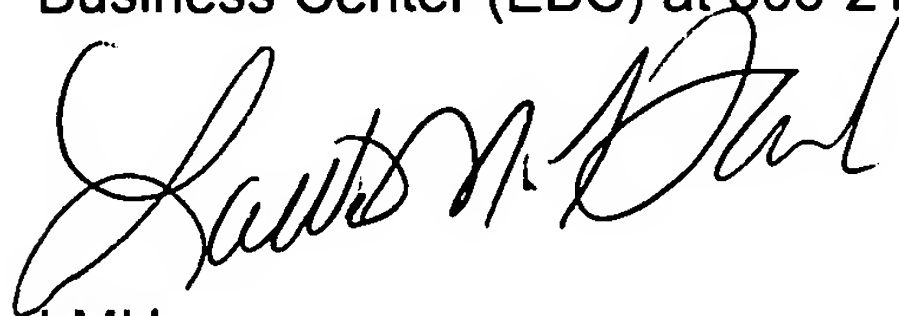
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M Hamilton whose telephone number is (703) 306-5715. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LMH